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11-7-2a

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NANCY L. PAIVA, ET AL.

Serial No.: 09/890,167

35 U.S.C. §371 Date: July 27, 2001

International Application No. PCT/US00/02366

International Filing Date: January 28, 2000

Confirmation No.: 7718

Examiner: David H. Kruse, Ph.D.

For: **TRANSGENIC PLANTS MODIFIED TO CONTAIN RESVERATROL GLUCOSIDE AND USES THEREOF**

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Assistant Commissioner for Patents  
Washington, D.C. 20231

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on:

October 30, 2002  
(Date of deposit)

Karen L. Knezek  
Registration No. 39,253  
Name of Applicant, Assignee, or Registered Representative

*Karen L. Knezek*  
Signature  
October 30, 2002 (Date of Signature)

Dear Sir:

## RESPONSE TO OFFICE ACTION

This response is filed in response to the Office Action dated October 1, 2002, which provides for a response period ending November 1, 2002.

**Restriction/Election Requirement**

The Office Action states that Claims 1-42 are pending in the application and that Claims 1-42 are subject to a restriction or election requirement. The Office Action asserts there are two invention sets which the Examiner drafted:

Group I: Claims 1-30 and 34-42, drawn to a method of transforming a plant with a transgene encoding a resveratrol synthase, transgenic plants produced by said method and various methods of using said transgenic plants; and

Group II: Claims 31-33, drawn to a method of producing isolated resveratrol glucoside comprising transforming a plant cell with a transgene encoding a resveratrol synthase and isolating resveratrol glucoside from said transformed plant cell.

Applicants elect the invention of Group I, drawn to Claims 1-30 and 34-42.

**REMARKS**

Applicants do not believe that additional fees are required for this response. If this is in error, please deduct the necessary fee from the Sidley Austin Brown & Wood LLP Deposit Account No. 18-1260. An additional copy of this document is enclosed.

Respectfully submitted,



Karen L. Knezek  
Registration No. 39,253

KLK:sb

October 30, 2002

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